

**FRANK'S APPEAL IS
SET
FOR THIRTY DAYS
HENCE**

Bill of Exceptions
Reaches Su-
preme Court- Will
Conley Be
Tried Next Week?

Leo M. Frank's bill of exceptions to the judgement of Judge L. S. Roan in refusing him a new trial reached the clerk of the supreme court Saturday at noon. The case was placed upon the calendar for argument on December 15.

Murder cases come to the supreme court on what is known as a "fast writ," which means that they take precedence over civil

cases in the consideration of the court. It is likely that the supreme court will render its decision in the Frank case within from four to six weeks at the latest.

James Conley, the negro who has been indicted as an accessory after the fact of the Mary Phagan murder will probably not be arraigned again in the superior court until Thursday.

His attorney, William M. Smith, may be out of the city for the first part of the week, but will return Thursday and if the negro's case is not reached during the week, states that he will file a demand for trial on the minutes of the court.

Solicitor Hugh M. Dorsey is said to be anxious to try the case.

The solicitor called the case last week but Judge Ben H. Hill refused to allow him to proceed with the trial, and then announced that it would not be tried before Monday.

The solicitor is expected to use every effort to carry out the police of protection for the negro against a murder charge, which he announced during this sensational speech at the Frank trial.

The blocking of the solicitor's effort to dispense of the Conley indictment, which would insure the negro against trial for murder regardless of the decision of the supreme court in the Frank case or the action of a jury, which may try him again, caused much comment.

There is no doubt that should Frank ever be cleared of the crime for which he was convicted, that strenuous efforts to cry Conley for murder will be made, unless action of the court now makes it impossible.

Judge Hill refused to make a statement further than that the case would not be tried before Monday, and it is not known whether or not he will again block Dorsey, when the effort is again made to try Conley on the present indictment.

The transcript in the case of Leo M. Frank, delivered to the clerk of the supreme court Saturday by the clerk of the superior

court, covers 690 closely typewritten legal pages and the bill of exceptions about 70 pages.

The clerk's costs in the case a result amount to approximately \$600 which will be paid by the defense, as it carries the case to the supreme court.

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SANITARIUM ORDINANCE

UPHELD BY HIGH COURT

Dr. Neall Loses Fight to
Secure

Patients in Home
Without
City's Permission

The validity of section 1430 of the city code of Atlanta, which prohibits the operation of a hospital, sanitarium, asylum or similar institution within the city limits, unless a permit has first been secured from the mayor and general council, was upheld Friday morning by the state supreme court.

The case decided by the supreme court was that of Dr. J. H. Neall versus the city of Atlanta. On July 16, 1912, a case was made in police court against Dr. Neall for "maintaining a house where persons were received for treatment without first having obtained the consent of the mayor and council."

Recorder Broyles fined Dr. Neal \$100.75, and he certiorated the case to the superior court of Fulton county. He denied he conducted a sanitarium, but said that his office was located in his residence at 236 Gordon street, and that sometimes while his patients were under treatment he took them in his home and boarded them with his wife.

While the certiorari was pending Dr. Neall appeared before Judge George L. Bell, of the superior court, and asked for a permanent injunction to prevent Detective Chief N. A. Lanford and Police Chief James L. Beavers or any of their men from interfering with his practice. He alleged they were threatening to make a case against him for every day he continued treating patients at his home. Judge Bell declined to grant the injunction and the supreme court affirms his decision.
